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84TH CONGRESS
1ST SESSION

S. 1167

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 1955

Mr. ELLENDER (by request) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To amend the Soil Conservation and Domestic Allotment Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (e) of section 8 of the Soil Conservation
4 and Domestic Allotment Act, as amended (16 U. S. C.
5 590h (e)), is amended by adding at the end thereof the
6 following new sentence: "Persons who carry out conserva-
7 tion practices on federally owned noncropland which directly
8 conserve or benefit nearby or adjoining privately owned
9 lands of such persons and who maintain and use such Federal
10 land under agreement with the Federal agency having
11 jurisdiction thereof and who comply with the terms and

A BILL

To amend the Soil Conservation and Domestic
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By Mr. ELLENDER

FEBRUARY 22, 1955

Read twice and referred to the Committee on
Agriculture and Forestry

1 conditions of the agricultural conservation program formu-
2 lated pursuant to sections 7 to 17 of this Act, as amended,
3 shall be entitled to apply for and receive payments under
4 such program to the same extent as other producers.”.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 17, 1955
For actions of March 16, 1955
84th-1st, No. 47

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HIGHLIGHTS: House Rules Committee cleared bill on donation of surplus property for education, etc. and Rep. Lane spoke in favor of this bill. House committee reported bills to reapportion rice allotments. Senate committee ordered reported bills to restore import control authority in Virgin Islands, permit ACP payments on Federal noncropland etc.

SENATE

1. **TOBACCO.** The Agriculture and Forestry Committee reported without amendment S. 1325, to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, with regard to making false reports (S. Rept. 107); S. 1436, to preserve the tobacco acreage history of farms which voluntarily withdraw from the production of tobacco, and to provide that the benefits of future increases in tobacco acreage allotments shall first be extended to farms on which there have been decreases in such allotments (S. Rept. 109); and S. 1457, to redetermine the national marketing quota for burley tobacco for the 1955-56 marketing year (S. Rept. 111); and with amendments S. 1326, to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, regarding the increasing of penalty rates (S. Rept. 108); and S. 1327, to provide that in setting future tobacco allotments no credit will be given for any acreage grown in excess of the allotment (S. Rept. 110) (p. 2523).

2. **VIRGIN ISLANDS; SOIL CONSERVATION; WHEAT.** The Agriculture and Forestry Committee ordered reported without amendment S. 1166, to restore authority on imports of livestock and poultry into the Virgin Islands; and S. 1167, to permit ACP payments on Federal noncropland. The committee also ordered reported (pending comments from farm organizations or others) S. 46, to amend the Agricultural Adjustment Act of 1938 so as to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed on the farm. (p. D206.)

3. CCC; CROP INSURANCE. The "Daily Digest" states that the chairman of the Agriculture and Forestry Committee "was authorized to appoint subcommittees, as follows: (1) Subcommittee to study and hold hearings on S. 23, 138, 493, 546, and 624, bills to relieve innocent purchasers of CCC's fungible goods from liability; (2) subcommittee to study and hold hearings on S. 661, to permit CCC to process food commodities for donation under certain acts; and (3) subcommittee to study and hold hearings on S. 1165, to amend the Federal Crop Insurance Act by including in the premiums administrative costs of the program" (p. D206).

4. DAIRY RESEARCH. Sen. Wiley inserted excerpts from a number of communications endorsing his bill, S. 788, to establish a dairy research center at Madison, Wis. (pp. 2530-1).

5. REA. Sen. Neuberger criticized the Hoover Commission report on lending agencies and its recommendations concerning REA, stated that "it would put our farmers again at the mercy of the banks and utilities which left them without lights prior to the Roosevelt administration," and inserted former Sen. Holman's statement opposing the "so-called power partnership program" (pp. 2561-2).

6. SUBSIDIES. Sen. Murray inserted a constituent's letter protesting "\$8 million of postal subsidies to Life magazine, which has repeatedly attacked the farmers" (p. 2531).

7. NOMINATIONS. Confirmed nomination of John Marshall Harlan to be an Associate Justice of the U. S. Supreme Court, and passed over nomination of Joseph Campbell to be Comptroller General at the request of Sen. Johnson, Tex. (pp. 2535-43, 2545-54, 2557-60).

8. FARM INCOME. Sen. Hickenlooper inserted and commended R. K. Bliss' (extension service, Iowa State College) recent radio address, "1954--A Fairly Prosperous 'Depression' Year," analyzing the "high level of agricultural income of 1954" and showing the reasons for it (pp. 2562-3).

9. TREATIES. Received from the U. S. Flag Committee, Long Island, N. Y., a petition urging enactment of the proposed Bricker amendment to limit the President's treaty making power (p. 2522).

10. WATER UTILIZATION; ELECTRIFICATION. Sen. Humphrey inserted a Clay County Commissioners' resolution requesting Congress to withdraw all restrictions on the completion of the Garrison Dam and Reservoir project, N. Dak. (pp. 2522-3).

11. RECESSED until Fri., Mar. 18. Legislative program, for Fri., as announced by Majority Leader Johnson: Bills to increase 1955 national cotton acreage allotments by approximately 258,000 acres, ^{and} to increase Federal employees' pay; and the nomination of Joseph Campbell to be Comptroller General. The Majority Leader also announced that the Senate will take a recess from Thursday afternoon, Apr. 7 to Mon., Apr. 11 for Easter (pp. 2560-1).

HOUSE

12. RICE ALLOTMENTS. The Agriculture Committee reported without amendment H. R. 2639, to provide for reapportionment of rice acreage allotments voluntarily surrendered to the county committee (H. Rept. 222), and H. R. 4356, to divide

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 21, 1955
For actions of March 18, 1955
84th-1st, No. 49

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HIGHLIGHTS: See last page of digest.

HOUSE

1. ~~APPROPRIATIONS.~~ Passed with amendments H. R. 4903, the second supplemental appropriation bill, 1955. Agreed, 174-107, to an amendment by Rep. Preston to provide \$4,000,000 for contributions to the UN expanded program of technical assistance. Rejected, 52-74, an amendment to this amendment, by Rep. Phillips, to reduce this amount to \$2,500,000 and make all of it available to FAO. Also agreed to an amendment by Rep. Taber to provide for the transfer of these funds from the appropriation contained in Public Law 778, 83rd Congress, for assistance authorized by sec. 121 of Public Law 665, 83rd Congress. A similar provision had previously been deleted on a point of order made by Rep. Hoffman, Mich. (pp. 2620-38). Rep. Hill commended the wind-erosion control item (p. 2634).

The Appropriations Committee reported without amendment H. R. 5046, the Labor-HEW appropriation bill, 1956 (H. Rept. 228) (pp. 2619, 2643).

2. ~~RICE.~~ Passed without amendment H. R. 2839, to provide for reapportionment of rice acreage allotments voluntarily surrendered to the county committee; and H. R. 4356, to divide the 1956 and subsequent rice acreage allotments on a farm in accordance with previous acreage allotment (p. 2642).

The Agriculture Committee reported with amendment H. R. 4647, to increase the State rice acreage allotments for 1955 by 5% (H. Rept. 237) (p. 2643).

3. ~~TOBACCO.~~ The Agriculture Committee reported with amendment H. R. 4951, to redetermine the national marketing quota for burley tobacco for the 1955-56 marketing year (H. Rept. 238) (p. 2643).

4. TRADE AGREEMENTS. Rep. Philbin inserted and commended Henry S. Woodbridge's (American Optical Co.) statement urging amendment of H. R. 1, the trade agreements extension bill, so as to preserve skills "essential to our national security" (p. 2638).

5. ROADS; STATEHOOD. Received a resolution and several petitions supporting the position of the American Association of State Highway Officials relating to the proposed Federal-aid highway program and urging Alaska-Hawaii statehood (p. 2644).

6. LEGISLATIVE PROGRAM as announced by Majority Leader McCormack: Mon., bill to redetermine burley tobacco allotments and Labor-HEW appropriation bill; Tues. and Wed., resolutions disapproving sale of certain rubber plants and bill to reestablish 90% price supports on basic commodities; and Thurs., Fri., and Sat., Interior appropriation bill and bill to increase penalties under Sherman Antitrust Act (pp. 2628-9).

SENATE

7. VIRGIN ISLANDS; SOIL CONSERVATION. The Agriculture and Forestry Committee reported without amendment S. 1166, to restore authority on imports of live-stock and poultry into the Virgin Islands (S. Rept. 114); and S. 1167, to permit ACP payments to persons who carry out conservation practices on Federal noncropland which directly benefit nearby or adjoining private lands (S. Rept. 115) (p. 2651).

8. COTTON ALLOTMENTS. Made H. R. 3952, to amend the Agricultural Adjustment Act of 1938 so as to provide for an increase in the 1955 national cotton acreage allotment of approximately 258,000 acres, its unfinished business (p. 2715).

9. REORGANIZATION. Further insisted upon its amendments to H. R. 2576, to continue the Reorganization Act of 1949 (p. 2645). (House conferees have been appointed, but Senate conferees have not.)

10. NOMINATION of Joseph Campbell to be Comptroller General was confirmed (pp. 2669-83, 2791-2).

11. PERSONNEL, EXPENDITURES. Sen. Byrd inserted an additional report from the Joint Committee on Reduction of Nonessential Federal Expenditures on civilian employment and pay in the executive branch during Jan. 1955 (pp. 2651-5).
Sen. Dirksen (for himself and Sens. Bricker, Butler, Humphrey, Ives, Jackson, Lehman, McNamara, Pastore, Potter, and Kuchel) submitted amendments intended to be proposed by them to S. 67, to increase the pay of Federal employees (p. 2662).
Sen. Humphrey inserted and commended former Sen. Harry Cains's recent address criticizing the Federal employees security program and favoring "a commission of outstanding citizens to concern itself basically with policy questions relating to internal security" (pp. 2683-91).

12. MONOPOLIES. Agreed to S. Res. 61, authorizing expenditure of \$200,000 by the Judiciary Committee for a study of the antitrust laws of the U. S. and their administration, interpretation, and effect, after adoption of a Sen. Ellender amendment to reduce the authorized expenditure from \$250,000 to 200,000 (pp. 2702-3, 2707-8).

Calendar No. 115

84TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 115

CONSERVATION PRACTICES PERFORMED ON FEDERAL LANDS FOR THE BENEFIT OF PRIVATE LANDS

MARCH 18 (legislative day, MARCH 10), 1955.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry, submitted the following

R E P O R T

[To accompany S. 1167]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1167) to amend the Soil Conservation and Domestic Allotment Act, having considered the same, report thereon with a recommendation that it do pass, without amendment.

This bill provides for soil-conservation payments to farmers who, in order to benefit their own lands, carry out conservation practices on Federal lands. While it is probable that there is now authority for such payments in the Soil Conservation and Domestic Act, such payments have not heretofore been made. In addition in view of various official interpretations, proposals, and bills in Congress, and specific provision in the act for practices on federally owned croplands, some clear legislative direction should be given before such payments are undertaken. A letter from the Department of Agriculture fully explaining the bill is attached.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, February 10, 1955.

The PRESIDENT OF THE SENATE,
United States Senate.

DEAR MR. PRESIDENT: This Department recommends the enactment of legislation to amend section 8 (e) of the Soil Conservation and Domestic Allotment Act to provide that persons carrying out conservation practices on federally owned noncropland would be eligible to receive ACP cost-sharing assistance if such practices directly conserve or benefit nearby or adjoining privately owned lands of such persons who use and maintain such Federal land, under agreement with the Federal agency having jurisdiction therefor.

There are some situations where the performance of conservation measures on federally owned noncropland is the most practicable method of meeting a major conservation problem for a particular farm. At present cost-sharing under the ACP is restricted to lands other than those of the Federal Government, in the

2 CONSERVATION ON FEDERAL LANDS FOR BENEFIT OF PRIVATE LANDS

belief that it was the intent of Congress in appropriating funds and assigning the authorities of agencies of the Federal Government, that the agency having charge of the federally owned land would be responsible for proper care of it. The only exception made in that general policy has been at the direction of Congress in an amendment to subsection (e) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended, which provides for making payments to persons who carry out farming operations as tenants or sharecroppers on cropland owned by the United States Government.

The proposed change would not authorize the making of ACP payments to another Federal agency, but would permit such payments to be made to farmers who carry out conservation practices on federally owned noncropland where the practices directly conserve or benefit nearby or adjoining privately owned lands of the person performing the practice. Under these conditions the extension of the authority to make ACP payments with respect to such noncropland is desirable.

It is not believed that there are enough cases to which this extension would be applicable to materially restrict the extent of program assistance for conservation practices carried out on privately owned lands. Therefore no additional funds would be sought for the agricultural conservation program, due to this provision being adopted.

The Bureau of the Budget advises that it has no objection to the submission of this proposed legislation.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX, of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED

SEC. 8.

* * * * *

(e) Payments made by the Secretary to farmers under subsection (b) shall be divided among the landlords, tenants, and sharecroppers of any farm, with respect to which such payments are made, in the same proportion that such landlords, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are made, or, effective with respect to the 1942 and subsequent farm programs, in the event of acquisition of title to, or lease of, any farm for use in connection with the national war effort which caused the producers on such farms to lose, prior to the time of harvest, their interests in the crops planted thereon, or the proceeds thereof, payments with respect to such crops, to the extent that full compensation for the loss of payments with respect thereto in connection with such acquisition or lease was not made to such producers, shall be divided among the landlords, tenants, and sharecroppers on such farm in the proportion which it is determined that such producers would have been entitled to share in the proceeds of such crops but for such acquisition or lease: *Provided*, That payments based on soil-building or soil-conserving practices shall be divided in proportion to the extent which such landlords, tenants, and sharecroppers contribute to the carrying out of such practices. Such payments shall be paid by the Secretary directly to the landlords, tenants, or sharecroppers entitled thereto, and shall be computed at rates which will permit the Secretary to set aside out of the funds available for the making of such payments for each year an amount sufficient to permit the increases herein specified to be made within the limits of the funds so available. If with respect to any farm the total payment to any person for any year would be:

- (1) Not more than \$20, the payment shall be increased by 40 per centum;
- (2) More than \$20 but not more than \$40, the payment shall be increased by \$8, plus 20 per centum of the excess over \$20;
- (3) More than \$40 but not more than \$60, the payment shall be increased by \$12, plus 10 per centum of the excess over \$40;
- (4) More than \$60 but not more than \$186, the payment shall be increased by \$14; or

(5) More than \$186 but less than \$200, the payment shall be increased to \$200.

In the case of payments of more than \$1, the amount of the payment which shall be used to calculate the 40-, 20-, and 10-per-centum increases under clauses (1), (2), and (3) shall not include that part, if any, of the payment which is a fraction of a dollar.

Beginning with the calendar year 1939, no total payment for any year to any person under such subsection (b) shall exceed \$10,000. In the case of payments made to any individual, partnership, or estate on account of performance on farms in different States, Territories, or possessions, the \$10,000 limitation shall apply to the total of the payments for each State, Territory, or possession, for a year and not to the total of all such payments.

Persons who carry out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who comply with the terms and conditions of the conservation program, formulated pursuant to sections 7 to 17, inclusive, of this Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers. *Persons who carry out conservation practices on federally owned noncropland which directly conserve or benefit nearby or adjoining privately owned lands of such persons and who maintain and use such Federal land under agreement with the Federal agency having jurisdiction thereof and who comply with the terms and conditions of the agricultural conservation program formulated pursuant to sections 7 to 17 of this Act, as amended, shall be entitled to apply for and receive payments under such program to the same extent as other producers.*



Calendar No. 115

84TH CONGRESS
1ST SESSION

S. 1167

[Report No. 115]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 1955

Mr. ELLENDER (by request) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

MARCH 18 (legislative day, MARCH 10), 1955

Reported by Mr. ELLENDER, without amendment

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2 *tives of the United States of America in Congress assembled,*
3 That subsection (e) of section 8 of the Soil Conservation
4 and Domestic Allotment Act, as amended (16 U. S. C.
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84TH CONGRESS
1ST SESSION

S. 1167

[Report No. 115]

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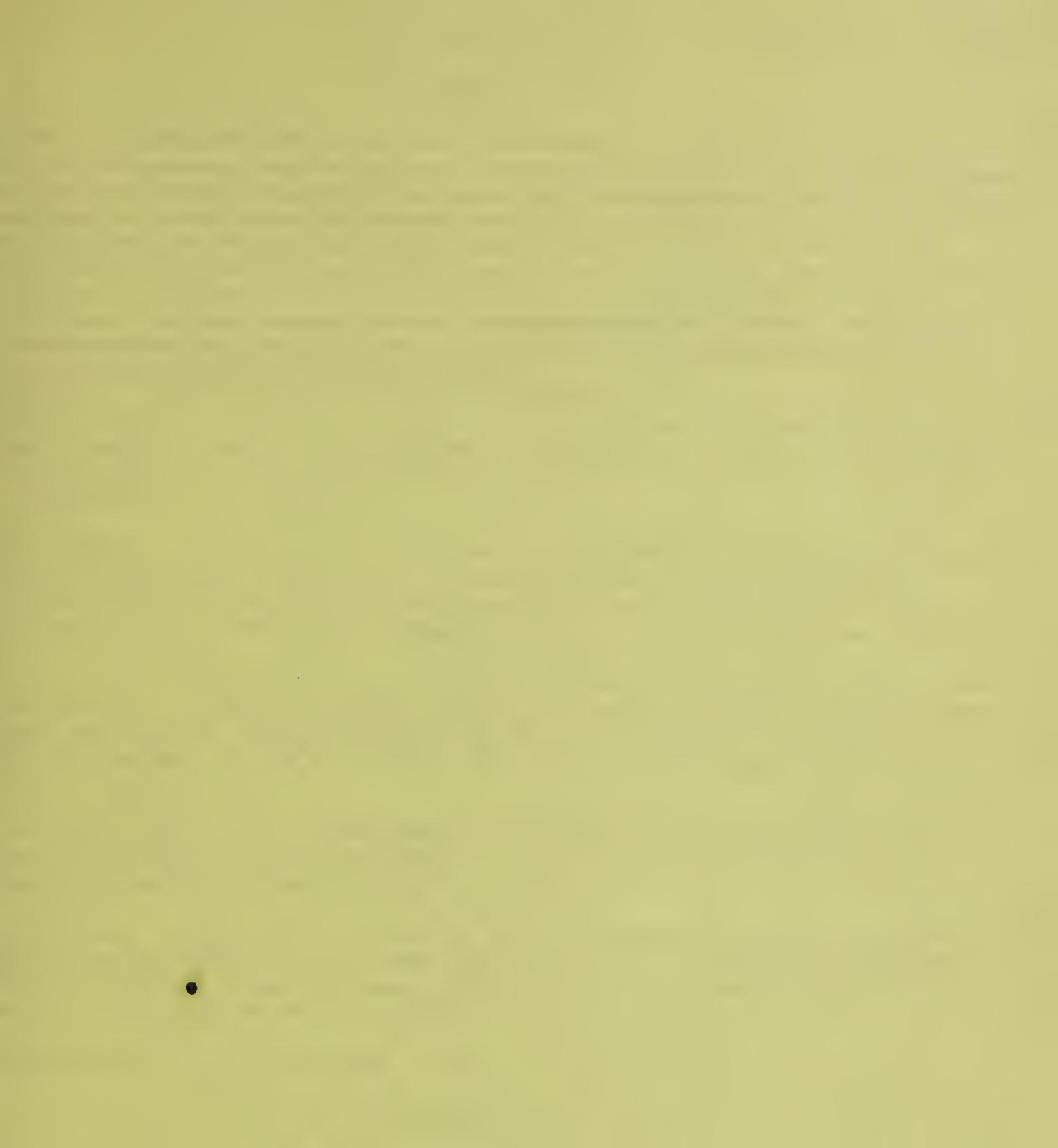
FEBRUARY 22, 1955

Read twice and referred to the Committee on
Agriculture and Forestry

MARCH 18 (legislative day, MARCH 10), 1955

Reported without amendment

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2 conditions of the agricultural conservation program formu-
3 lated pursuant to sections 7 to 17 of this Act, as amended,
4 shall be entitled to apply for and receive payments under
5 such program to the same extent as other producers.”.



THOMAS

9.175

March 28, 1955

SENATE

12. FORESTRY; VIRGIN ISLANDS; SOIL CONSERVATION; WHEAT. Passed without amendment S. 72, to provide that certain lands conveyed to the U. S. by N. Mex. situated within the Lincoln National Forest shall be administered as national forest lands (pp. 3211-2); S. 1166, to restore USDA authority on imports of livestock and poultry into the Virgin Islands (pp. 3217-8); S. 1167, to permit ACP payments to persons who carry out conservation practices on Federal noncrop-land which directly benefit nearby or adjoining private lands (p. 3218); and S. 46, to amend the Agricultural Adjustment Act of 1938 so as to exempt certain wheat producers from marketing quotas where all the wheat crop is fed or used for seed on the farm (p. 3218).

13. TRADE AGREEMENTS; COTTON. Sen. Johnston submitted and discussed amendments he intends to propose to H. R. 1 (the trade agreements bill), "to protect the cotton textile industry, particularly, against the contingencies of bad ad- ministration" (pp. 3233-5).

14. FARM INCOME. Sen. Neuberger claimed that the farmers are still in a recession, said "the farmers' share of the national income is at its lowest point in history, and has been steadily declining under the policies of the present administration," and inserted a magazine article on this subject (p. 3203).

15. SURPLUS PROPERTY; EDUCATION. Sen. Green inserted a Rhode Island General Assembly resolution favoring H. R. 3322, to amend the Federal Property and Administra- tive Services Act of 1949, relative to the administration of the program for the utilization of surplus property for education and health purposes (pp. 3190- 1).

16. ELECTRIFICATION. Sen. Humphrey inserted a Minn. Electric Coop. resolution favoring an "investigation of the Dixon-Yates controversy by the proper investigating committee" (p. 3191).

17. RECLAMATION; ELECTRIFICATION. Sen. Watkins and others discussed the status of the lands included in the proposed Echo Park and Split Mountain Reservoirs, and Sen. Watkins spoke in favor of including these proposed projects in the Colo. reclamation project (pp. 3220-33).

18. RECESSED until Wed., Mar. 30 (p. 3235).

ITEMS IN APPENDIX

19. ROADS. Sen. Case, S. Dak., inserted his recent address, "Roads at Hand and Roads Ahead," outlining the President's proposed highway program (pp. A2125-7). Rep. Smith, Kans., inserted Elmer T. Peterson's editorial opposing increased Federal expenditures and stating that Sen. Byrd opposes the proposed highway program (pp. A2190-1).

20. PERSONNEL. Rep. Natcher inserted a Messenger and Inquirer (Owensboro, Ky.) editorial, "They Must Be Above Suspicion," favoring procedures set up by the President by which the loyalty of employees is evaluated (p. A2132). Sen. Humphrey inserted two newspaper editorials favoring the proposal to establish a Federal Commission on Government Security Program (p. A2186).

21. CIVIL DEFENSE. Rep. Frazier inserted a Chattanooga Times editorial criticizing reductions in appropriations for civil defense (pp. A2132-3).
Sen. Humphrey inserted a Christian Science Monitor editorial favoring S. Con. Res. 11, to establish a joint committee on civil defense (pp. A2157-8).

22. MARKETING. Extension of remarks of Sen. Thye commanding the Department on the publication of a pamphlet describing the service the public is obtaining in the type of food packs and marketing methods and inserting the Secretary's address at an official introduction program (pp. A2145-6).

23. SUBMARGINAL LANDS. Sen. Thye inserted a Denver Post editorial favoring his bill urging the Secretary to acquire and permanently retire from cultivation sub-marginal lands in Dust Bowl areas (pp. A2147-8).

24. CONSERVATION; FORESTRY. Sen. Kefauver inserted a statement prepared by the Legislative Reference Service of the Library of Congress describing the results of the Civilian Conservation Corps after 22 years of existence (p. A2148).

25. FARM PRICES. Sen. Johnson inserted a statement prepared by Sen. McNamara, "Michigan Farmers Await Action by Congress to Combat Declines in Farm Income," urging that "whatever is necessary will be done for the welfare of the farm family" (pp. A2152-3).
Rep. Dague inserted a Lancaster (Pa.) News Era editorial stating that the proposed rigid price support program would not increase farm prices but "it would merely restore the old dilemma of the surpluses in the worst form" (pp. A2194-5).

26. TRANSPORTATION. Rep. Wolverton inserted letters and various excerpts from letters discussing "the unequivocal position taken by the Secretary of Agriculture as to the need, in the interest of farmers, for the passage of trip-leasing legislation" (pp. A2161-3).

27. REORGANIZATION; FARM LOANS. Rep. O'Hara inserted 2 AFL editorials criticizing the Hoover Commission report recommending the reorganization of Federal lending agencies, and stating that "no President can afford to have the country think the policies of his administration are being dictated by Hoover" (p. A2163).

28. STATEHOOD. Del. Bartlett inserted 2 newspaper editorials favoring statehood for Alaska and Hawaii (pp. A2174, A2175-6).

BILLS INTRODUCED

29. AIR POLLUTION. S. 1565, by Sen. Capehart (for himself and others), to amend the National Housing Act by adding a new title thereto providing authority for technical research and studies on problems of air pollution generally and establishing a loan program to aid in the installation of air pollution prevention equipment; to Banking and Currency Committee (p. 3191). Remarks of author (p. 3192).

30. PROPERTY. S. 1566, by Sen. Humphrey (for himself and others), establishing a general policy and procedures with respect to payments to State and local governments on account of Federal real property and tangible personal property; to Government Operations Committee (p. 3191). Remarks of author (pp. 3192-3).

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1955

Referred to the Committee on Agriculture

AN ACT

To amend the Soil Conservation and Domestic Allotment Act.

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4 such program to the same extent as other producers.”.

Passed the Senate March 28 (legislative day, March
10), 1955.

Attest:

FELTON M. JOHNSTON,

Secretary.

84TH CONGRESS
1ST SESSION

S. 1167

AN ACT

To amend the Soil Conservation and Domestic
Allotment Act.

MARCH 29, 1955

Referred to the Committee on Agriculture

law it is a criminal offense to transport obscene matter either through the mails or by common carrier, but it is not a crime to transport such matter otherwise, particularly by private conveyance. Traffickers in such matter are well aware of this loophole in the law, and now transport such obscene matter in their private automobiles with immunity.

As a matter of fact, there has been testimony in some investigations which the committee has held that entire truckloads of such material are transported from one State to another. This has come to be big business in the United States. Some persons have estimated that as much as \$100 million worth of obscene literature is being transported by private vehicles each year, to the detriment of the school children of the United States.

The proposed new section makes such transportation in private vehicles a criminal offense.

Since the end objective is to discourage the transportation of obscene matter, it is thought wise to close this presently existing hole in the law.

This bill creates a presumption that such transportation is "for sale or distribution," if such obscene matter is being transported in such quantities as to fairly raise such a presumption. The presumption is, however, rebuttable.

EXHIBIT A

The subcommittee of the Committee on the Judiciary investigating juvenile delinquency in the United States, during the course of its investigations, discovered that the loophole in the present statute which this bill seeks to close has been exploited by purveyors of pornographic literature in interstate commerce by means of private conveyance. In its interim report just approved by the Committee on the Judiciary, the Juvenile Delinquency Subcommittee recommended that the present loophole in the statute be closed so as to prohibit the transportation of obscene matters in interstate commerce by private conveyance. The investigations of the Juvenile Delinquency Subcommittee point up the necessity for early passage of this legislation by the Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PURTELL. I have no objection.

The bill (S. 599) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the analysis of chapter 71 of title 18 of the United States Code is amended by inserting, immediately after and underneath item 1464, as contained in such analysis, the following new item:

"1465. Transportation of obscene matters for sale or distribution."

Sec. 2. Chapter 71 of title 18 of the United State Code is amended by inserting, immediately following section 1464 of such chapter, a new section, to be designated as section 1465, and to read as follows:

"§ 1465. Transportation of obscene matters for sale or distribution

"Whoever knowingly transports in interstate or foreign commerce for the purpose of sale or distribution, any obscene, lewd, lascivious, or filthy book, pamphlet, picture, film, paper, letter, writing, print, silhouette,

drawing, figure, image, cast, phonograph recording, electrical transcription or other article capable of producing sound or any other matter of indecent or immoral character, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

"The transportation as aforesaid of 2 or more copies of any publication or 2 or more of any article of the character described above, or a combined total of 5 such publications and articles, shall create a presumption that such publications or articles are intended for sale or distribution, but such presumption shall be rebuttable.

"When any person is convicted of a violation of this act, the court in its judgment of conviction may, in addition to the penalty prescribed, order the confiscation and disposal of such items described herein which were found in the possession or under the immediate control of such person at the time of his arrest."

AMENDMENT OF UNITED STATES CODE RELATING TO MAILING OF OBSCENE MATTER

The bill (S. 600) to amend title 18 of the United States Code relating to the mailing of obscene matter was announced as next in order.

Mr. PURTELL. Mr. President, I wish to thank the distinguished Senator from Tennessee for the explanation he gave with respect to Senate bill 599. I assume that Senate bill 600 is of a similar nature, since it covers the same subject. However, I wonder if the Senator would give a brief explanation of the bill.

Mr. KEFAUVER. I shall be very happy to do so.

The bill reclassifies and redefines obscene literature. The Post Office Department has stated that under the old definition it is very difficult to prevent the shipment through the mails of certain types of obscene matter, the shipment of which the Department felt should be prevented, but as to which a question was raised, in view of the definition in the old law.

For instance, certain kinds of volumes would not be covered under the old law. The bill repeals the old definition, and the new definition, as set forth in the bill, is as follows:

Every obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance;

It would repeal the presently existing definition which is:

Every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance.

The net effect of the new definition is to include in definition phonograph records or other sound-recording devices capable of producing sound.

In the Alpers case the Supreme Court decided that obscene phonograph records were included within the definition, but it was a split decision, 5 to 3, and reversed a Court of Appeals decision, deciding that phonograph records were not within the prohibition of existing law. The purpose of the bill is to give legislative sanction to the decision of the Supreme Court and to remove all possible doubt.

I ask unanimous consent, in view of the importance of the general subject, that an extract from the report of the

Committee on the Judiciary be printed in the RECORD at this point in my remarks.

There being no objection, the portion of the report was ordered to be printed in the RECORD, as follows:

The subcommittee of the Committee on the Judiciary investigating juvenile delinquency in the United States reports that the nationwide traffic in obscene matter is increasing year by year and that a large part of that traffic is being channeled into the hands of children. That subcommittee recommended implementation of the present statute so as to prevent the using of the mails in the trafficking of all obscene matter. The passage of S. 600 will contribute greatly in the continuing struggle to combat juvenile delinquency and the corruption of public morals.

Mr. PURTELL. I thank the distinguished Senator from Tennessee for his most satisfactory explanation of this very necessary bill. Of course, I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 600) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the first paragraph of section 1461 of title 18 of the United States Code is amended to read as follows:

"Every obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance; and * * *."

Sec. 2. The fifth paragraph of section 1461 of title 18, United States Code, reading "Every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance; and" is hereby repealed.

RESTRICTIONS ON THE ADMISSION OF CATTLE AND POULTRY INTO THE VIRGIN ISLANDS

The bill (S. 1166) to amend section 6 of the act of August 30, 1890, as amended, and section 2 of the act of February 2, 1903, as amended, was announced as next in order.

Mr. PURTELL. Mr. President, I wonder if we may have an explanation of the bill.

Mr. ELLENDER. Mr. President, this bill is the same as S. 3800 which passed the Senate last year. It tightens up two provisions of the quarantine laws which were relaxed when the Revised Organic Act of the Virgin Islands was approved on July 22 last year.

Section 32 of the Revised Organic Act of the Virgin Islands authorized the Secretary of Agriculture to permit the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks but which are tick free at the time of importation. The purpose of this provision was to permit the entry of cattle for slaughter from the British Virgin Islands, and S. 1166 would restrict this provision to cattle so imported.

Section 33 of the Revised Organic Act of the Virgin Islands took away the Secretary's authority to prohibit the introduction of live poultry into the Virgin Islands to prevent the spread of disease. S. 1166 would restore the Secretary's authority in this regard.

This bill was recommended by the Department of Agriculture as being necessary to prevent the spread of diseases of livestock and poultry in the Virgin Islands, and through them, into other parts of the United States.

Mr. PURTELL. I thank the Senator from Louisiana for his explanation of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 1166) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 6 of the act of August 30, 1890 (26 Stat. 414, 416; 21 U. S. C. 104), "An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes," as amended, is further amended by deleting the words "and the admission into the Virgin Islands" immediately following the word "Texas" in the first sentence of such section; deleting the period at the end of such sentence; and adding the following clause after the word "therefrom" in such sentence: "and the admission from the British Virgin Islands into the Virgin Islands of the United States, for slaughter only, of cattle which have been infested with or exposed to ticks upon being free therefrom."

Sec. 2. That section 2 of the act of February 2, 1903 (32 Stat. 791, 792; 21 U. S. C. 111), "An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of livestock, and for other purposes," as amended, is further amended by deleting the proviso reading: "Provided, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

AMENDMENT OF SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

The bill (S. 1167) to amend the Soil Conservation and Domestic Allotment Act was announced as next in order.

Mr. PURTELL. Mr. President, I wonder if we may have an explanation of the bill.

Mr. ELLENDER. Mr. President, this bill provides for soil-conservation payments to farmers who carry out conservation practices on Federal lands in order to benefit their own lands. It would not require any additional funds, but would in some situations provide the most practicable method of meeting a major conservation problem for a particular farm.

I may say to the distinguished Senator from Connecticut that the bill was recommended by the Department of Agriculture, and was introduced by me at the request of the Department.

Mr. PURTELL. I thank the distinguished Senator from Louisiana for his explanation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 1167) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That subsection (e) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590h (e)), is amended by adding at the end thereof the following new sentence: "Persons who carry out conservation practices on federally owned noncropland which directly conserve or benefit nearby or adjoining privately owned lands of such persons and who maintain and use such Federal land under agreement with the Federal agency having jurisdiction thereof and who comply with the terms and conditions of the agricultural conservation program formulated pursuant to sections 7 to 17 of this act, as amended, shall be entitled to apply for and receive payments under such program to the same extent as other producers."

EXEMPTION FROM PENALTIES OF WHEAT GROWN FOR FEED AND SEED

The bill (S. 46) further to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed on the farm, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding a new subsection (f) after subsection (e) to read as follows:

"(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1955 or subsequent years on the following conditions:

"(1) That none of such crop of wheat is removed from such farm;

"(2) That such entire crop of wheat is used for seed on such farm, or is fed on such farm to livestock, including poultry, owned by any such producer, or a subsequent owner, or operator of the farm;

"(3) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm."

AMENDMENT OF ACT ESTABLISHING A COMMISSION OF FINE ARTS—BILL PASSED OVER

The bill (S. 1413) to amend the act establishing a Commission of Fine Arts was announced as next in order.

Mr. PURTELL. Mr. President, I note that the purpose of the bill is to repeal the \$10,000 limit of authorization established for the expenditures of the Commission on Fine Arts at the time of its

establishment. At present, the bill provides for no ceiling at all. I wonder if we may have an explanation of the bill.

I do not wish to ask that the bill be passed over, but it may well be that some Senator may wish to amend the bill from the floor, so as to place a ceiling on the limit, since presently no ceiling is provided. Perhaps there should be a limitation of \$25,000, for a similar sum.

Mr. GREEN. In explanation of the bill, perhaps I should read a letter from the Chairman of the Commission of Fine Arts addressed to the President of the Senate, which reads, in part, as follows:

The proposed bill would repeal the \$10,000 limit of authorization established for the expenditures of the Commission of Fine Arts at the time of its establishment May 17, 1910.

Mr. President, that was 45 years ago.

Over the succeeding 45 years, the scope of the Commission has been extended by Executive orders, and 2 additional bills have been enacted into law which have increased the mission and responsibilities of the Commission without authorizing additional appropriations. These laws are:

Public Law 231, 71st Congress, an act "to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital."

Public Law 808, 81st Congress, an act "to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital."

During recent congressional committee hearings on appropriation estimates, note has been taken by the committee chairmen of both Houses that no change in the limit of authorization has been made since the enactment of the original legislation and it was suggested that remedial legislation should be initiated by the Commission. The Congress has recognized the Commissions need to exceed the established limit by approving appropriations beyond the authorized limit. The objective of this legislation is to eliminate the disparity between the 1910 limit of authorization and the current operating budget of the Commission.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation.

Sincerely yours,

DAVID E. FINLEY,
Chairman.

Mr. McCARTHY. Mr. President, I ask that the bill go over.

Mr. PURTELL. Mr. President, will the Senator withhold his request that the bill go over so that I may ask the Senator from Rhode Island if he would consider amending the bill so as to provide a ceiling of perhaps \$25,000?

Mr. GREEN. I should like to take up the matter with representatives of the Commission itself. Personally I would have no objection to fixing some limit, but I doubt very much whether the amount mentioned by the Senator from Connecticut should be the limit. I may say there may be some danger in establishing a limit. For several years the Commission has had to appear before the Appropriation Committees for additional appropriations. The provisions of the bill would make it unnecessary to do so. The bill apparently was agreeable to the committees before which the chairman of the Commission appeared,

Digest of CONGRESSIONAL PROCEEDINGS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 19, 1955
For actions of July 18, 1955
84th-1st, No. 120

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For Highlights see page 9.

HOUSE

1. FOREIGN AFFAIRS. Both Houses received the President's annual report on U. S. participation in the United Nations (H. Doc. 219) (pp. 9153, 9231).
2. RESERVE FORCES. House conferees were appointed on H. R. 7000, the reserve forces bill (pp. 9232, 9234). Senate conferees have not yet been appointed.
3. LAND TRANSFER. Passed as reported H. R. 4280, conveying certain submarginal lands to Clemson College, S. C. (pp. 9235-6).
Passed as reported H. J. Res. 276, authorizing the Texas Hill Country Development Foundation to convey certain land to Kerr County, Tex., and such county to convey a portion thereof to the State, for extension work (p. 9263).
Passed as reported H. R. 4096, providing for the disposal of public lands within highway, telephone, and pipeline withdrawals in Alaska (p. 9264).
Passed without amendment S. 1878, extending for five years the authority to transfer certain ARS lands to Miles City, Mont. (p. 9265). Ready for President.
Both Houses received a draft of proposed legislation from the Secretary of Agriculture, "to authorize an exchange of land at the Agricultural Research Center;" to Agriculture Committees (pp. 9154, 9338).

The Agriculture Committee reported without amendment H. J. Res. 112, to resease reversionary rights to improvements on a three acre tract of former FHA lands in Orangeburg County, S. C. (H. Rept. 1193) (p. 9338).

4. LANDS. Passed with amendment S. 1177, after substituting in the bill the language of H. R. 4308, which was subsequently laid on the table (p. 9265). The bill as passed provides for the relief of desert land entrymen whose entries are dependent upon percolating water for reclamation.
5. FOOD AND DRUGS; ANIMAL DISEASES. Passed without amendment H. R. 6991, to amend certain sections of Title 21 of the Food and Drug Act (pp. 9237-61). A statement from the USDA was inserted in the Record by Rep. Byrnes, Wis., to the effect that certain amendments were contemplated by USDA and would be brought to the attention of the Senate Judiciary Committee.
6. SURPLUS PROPERTY. Passed with amendment S. 614, after substituting in the bill the language of H. R. 3757, which was subsequently laid on the table. The bill as passed authorizes GSA to donate certain property to the American National Red Cross (pp. 9261-2).
Rep. Brooks, Tex., discussed H. R. 7227, to donate surplus property to civil defense organizations (p. 9239).
7. REAL PROPERTY. Passed without amendment S. 2097, to authorize the transfer of certain property for research purposes from the Virgin Islands Corporation to the USDA (p. 9264). This bill will now be sent to the President.
8. SOIL CONSERVATION. The Agriculture Committee reported without amendment S. 1167, to specifically provide for conservation payments to farmers who, in order to benefit their own lands, carry out conservation practices on Federal lands (H. Rept. 1192) (p. 9338).
9. WATER CONSERVATION. The Agriculture Committee reported without amendment H. R. 7236, to amend the Soil Conservation and Domestic Allotment Act with respect to water-conservation practices (H. Rept. 1199) (p. 9339).
10. MARKETING. The Agriculture Committee reported with amendment H. R. 5337, to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities (H. Rept. 1196) (p. 9338).
11. CCC. The Agriculture Committee reported without amendment H. R. 7252, to permit sale of CCC stock of basic and storable nonbasic agricultural commodities without restriction, where similar commodities are exported in raw or processed form (H. Rept. 1203) (p. 9339).
12. RESEARCH; DISEASE CONTROL. The Agriculture Committee ordered the following bills reported on Fri., July 15: S. 1166, to permit imports from the British Virgin Islands into the U. S. Virgin Islands for slaughter only, cattle and poultry which have been freed from tick infection; and S. 1759, amended, relating to appropriation of Federal funds for support of agricultural experiment stations in the States, Alaska, Hawaii, and Puerto Rico (p. D723).
13. INTERGOVERNMENTAL RELATIONS. The Legislative Reporting Staff has a few copies, for lending and reference purposes, of study committee reports, etc., of the Commission on Intergovernmental Relations, as follows: "Federal Aid to Airports," "Natural Resources and Conservation," "Twenty-five Federal Grant-in-Aid Programs," "Federal Aid to Public Health," "Federal Aid to Highways," "Natural Disaster Relief," "Payments in Lieu of Taxes and Shared Revenues,"

CONSERVATION PRACTICES PERFORMED ON FEDERAL LANDS FOR THE BENEFIT OF PRIVATE LANDS

JULY 18, 1955.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the
following

R E P O R T

[To accompany S. 1167]

The Committee on Agriculture, to whom was referred the bill
(S. 1167) to amend the Soil Conservation and Domestic Allotment Act,
having considered the same, report favorably thereon without amendment
and recommend that the bill do pass.

This bill is identical with a bill (H. R. 3091) of the 82d Congress
which was reported favorably by this committee, passed by the House
by unanimous consent on June 4, 1951, but was not acted on in the
Senate. Its enactment by the 84th Congress was recommended by
an executive communication of February 10, 1955, to the Speaker of
the House and the President of the Senate, copy of which appears in
the report of the Senate Committee on Agriculture and Forestry,
which is incorporated herein and made a part of this report.

This bill provides for soil-conservation payments to farmers who, in
order to benefit their own lands, carry out conservation practices on
Federal lands. While it is probable that there is now authority for
such payments in the Soil Conservation and Domestic Act, such pay-
ments have not heretofore been made. In addition in view of various
official interpretations, proposals, and bills in Congress, and specific
provision in the act for practices on federally owned croplands, some
clear legislative direction should be given before such payments are
undertaken. A letter from the Department of Agriculture fully
explaining the bill is attached.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, February 10, 1955.The PRESIDENT OF THE SENATE,
United States Senate.

DEAR MR. PRESIDENT: This Department recommends the enactment of legislation to amend section 8 (e) of the Soil Conservation and Domestic Allotment Act to provide that persons carrying out conservation practices on federally owned noncropland would be eligible to receive ACP cost-sharing assistance if such practices directly conserve or benefit nearby or adjoining privately owned lands of such persons who use and maintain such Federal land, under agreement with the Federal agency having jurisdiction therefor.

There are some situations where the performance of conservation measures on federally owned noncropland is the most practicable method of meeting a major conservation problem for a particular farm. At present cost-sharing under the ACP is restricted to lands other than those of the Federal Government, in the belief that it was the intent of Congress in appropriating funds and assigning the authorities of agencies of the Federal Government, that the agency having charge of the federally owned land would be responsible for proper care of it. The only exception made in that general policy has been at the direction of Congress in an amendment to subsection (e) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended, which provides for making payments to persons who carry out farming operations as tenants or sharecroppers on cropland owned by the United States Government.

The proposed change would not authorize the making of ACP payments to another Federal agency, but would permit such payments to be made to farmers who carry out conservation practices on federally owned noncropland where the practices directly conserve or benefit nearby or adjoining privately owned lands of the person performing the practice. Under these conditions the extension of the authority to make ACP payments with respect to such noncropland is desirable.

It is not believed that there are enough cases to which this extension would be applicable to materially restrict the extent of program assistance for conservation practices carried out on privately owned lands. Therefore no additional funds would be sought for the agricultural conservation program, due to this provision being adopted.

The Bureau of the Budget advises that it has no objection to the submission of this proposed legislation.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED

SEC. 8.

* * * * *

(e) Payments made by the Secretary to farmers under subsection (b) shall be divided among the landlords, tenants, and sharecroppers of any farm, with respect to which such payments are made, in the same proportion that such landlords, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are made, or, effective with respect to the 1942 and subsequent farm programs, in the event of acquisition of title to, or lease of, any farm for use in connection with the national war effort which caused the producers on such farms to lose, prior to the time of harvest, their interests in the crops planted thereon, or the proceeds thereof, payments with respect to such crops, to the extent that full compensation for the loss of payments with respect thereto in connection with such acquisition or lease was

not made to such producers, shall be divided among the landlords, tenants, and sharecroppers on such farm in the proportion which it is determined that such producers would have been entitled to share in the proceeds of such crops but for such acquisition or lease: *Provided*, That payments based on soil-building or soil-conserving practices shall be divided in proportion to the extent which such landlords, tenants, and sharecroppers contribute to the carrying out of such practices. Such payments shall be paid by the Secretary directly to the landlords, tenants, or sharecroppers entitled thereto, and shall be computed at rates which will permit the Secretary to set aside out of the funds available for the making of such payments for each year an amount sufficient to permit the increases herein specified to be made within the limits of the funds so available. If with respect to any farm the total payment to any person for any year would be:

- (1) Not more than \$20, the payment shall be increased by 40 per centum;
- (2) More than \$20 but not more than \$40, the payment shall be increased by \$8, plus 20 per centum of the excess over \$20;
- (3) More than \$40 but not more than \$60, the payment shall be increased by \$12, plus 10 per centum of the excess over \$40;
- (4) More than \$60 but not more than \$186, the payment shall be increased by \$14; or
- (5) More than \$186 but less than \$200, the payment shall be increased to \$200.

In the case of payments of more than \$1, the amount of the payment which shall be used to calculate the 40-, 20-, and 10-per-centum increases under clauses (1), (2), and (3) shall not include that part, if any, of the payment which is a fraction of a dollar.

Beginning with the calendar year 1939, no total payment for any year to any person under such subsection (b) shall exceed \$10,000. In the case of payments made to any individual, partnership, or estate on account of performance on farms in different States, Territories, or possessions, the \$10,000 limitation shall apply to the total of the payments for each State, Territory, or possession, for a year and not to the total of all such payments.

Persons who carry out farming operations as tenants or sharecroppers on crop-land owned by the United States Government and who comply with the terms and conditions of the conservation program, formulated pursuant to sections 7 to 17, inclusive, of this Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers. *Persons who carry out conservation practices on federally owned noncropland which directly conserve or benefit nearby or adjoining privately owned lands of such persons and who maintain and use such Federal land under agreement with the Federal agency having jurisdiction thereof and who comply with the terms and conditions of the agricultural conservation program formulated pursuant to sections 7 to 17 of this Act, as amended, shall be entitled to apply for and receive payments under such program to the same extent as other producers.*



Union Calendar No. 369

84TH CONGRESS
1ST SESSION

S. 1167

[Report No. 1192]

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1955

Referred to the Committee on Agriculture

JULY 18, 1955

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

AN ACT

To amend the Soil Conservation and Domestic Allotment Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (e) of section 8 of the Soil Conservation
4 and Domestic Allotment Act, as amended (16 U. S. C.
5 590h (e)), is amended by adding at the end thereof the
6 following new sentence: "Persons who carry out conserva-
7 tion practices on federally owned noncropland which directly
8 conserve or benefit nearby or adjoining privately owned
9 lands of such persons and who maintain and use such Federal
10 land under agreement with the Federal agency having
11 jurisdiction thereof and who comply with the terms and
12 conditions of the agricultural conservation program formu-

84TH CONGRESS
1ST SESSION

S. 1167

[Report No. 1192]

FELTON M. JOHNSTON,

Secretary.

AN ACT

To amend the Soil Conservation and Domestic
Allotment Act.

MARCH 29, 1955

Referred to the Committee on Agriculture

JULY 18, 1955

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

1 lated pursuant to sections 7 to 17 of this Act, as amended,
2 shall be entitled to apply for and receive payments under
3 such program to the same extent as other producers.”.

Passed the Senate March 28 (legislative day, March
10), 1955.

Attest:

July 29, 30, 1955

38. INTERGOVERNMENTAL RELATIONS. Sen. Butler inserted a newspaper article favoring Federal collaboration with State and local governments (p. A5627).

39. COOPERATIVES; TAXATION. Rep. Cooper inserted a letter from the Secretary of the Treasury suggesting that the legislation on income taxation of cooperatives be tightened (pp. A5632-3).

40. ELECTRIFICATION. Sen. Bender inserted an address by J. B. Black favoring a Government-private "partnership" in the power development of the West (pp. A5636-8).

BILLS INTRODUCED - July 29

41. CLAIMS; APPROPRIATIONS. S. 2678, by Sen. Smith, N. J., "relating to the payment of certain claims against the Government where the appropriations therefor have lapsed"; to Government Operations Committee (p. 10341). Remarks of author (pp. 10341-2).

42. MARKETING. S. 2634, by Sen. Ellender, "to facilitate the marketing of agricultural commodities"; to Agriculture and Forestry Committee (p. 10341).

43. ACCOUNTING. S. 2677, by Sen. Smith, N. J., "to relieve certain officers of financial liability except in cases of gross negligence or fraud"; to Government Operations Committee (p. 10341). Remarks of author (pp. 10341-2).

44. ROADS. H. R. 7729, by Rep. Dempsey, to authorize road appropriations; to Public Works Committee (p. 10466).

45. LAND TRANSFER. H. R. 7723, to authorize the Secretary of Agriculture to convey certain lands in Phelps County, Mo., to the Chamber of Commerce of Rolla, Mo.; to Agriculture Committee (p. 10466).

46. CONSERVATION. H. J. Res. 415-425, to provide for observance of the 50th anniversary of the founding of the conservation movement for natural resources; to Judiciary Committee (p. 10467).

47. PERSONNEL. H. J. Res. 426, by Rep. Moss, to authorize the President to proclaim as Civil Service Week the week beginning Jan. 17, 1956, in commemoration of the 73rd anniversary of the American civil-service system; to Judiciary Committee (p. 10467).

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48. SOIL CONSERVATION. Passed without amendment S. 1167, to permit ACP payments to persons who carry out conservation practices on federally owned noncropland which directly conserve or benefit nearby or adjoining private lands of such persons (p. 10589). This bill will now be sent to the President.
Passed without amendment H. R. 7236, to permit approval of water conservation practices under ACP in any State instead of "in arid or semiarid sections" (p. 10592).

49. MARKETING. Passed with amendments H. R. 5337, to amend the Perishable Agricultural Commodities Act so as to strengthen the provisions relating to misbranding or misrepresentation of grade and origin of fresh fruits and vegetables, increase the maximum annual license fee from the present \$15 per year to \$25, permit the Secretary of Agriculture to deny issuance of a license to any person convicted of a felony in any State or Federal court, authorize the Secretary to

deny a license to any applicant who has been involved in bankruptcy proceedings within 3 years unless the applicant furnishes a bond or other assurance, empower the Secretary to suspend the license of a person who employs in any responsible position an individual whose license is under suspension, and provide authority for the inspection of any perishable commodity covered by the Act (pp. 10590-1).

Passed as reported S. 1757, to amend the Agricultural Marketing Act of 1946 so as to remove any question which may have resulted from a change in appropriation language as to the applicability of penalties for forgery of inspection certificates covering agricultural commodities, and to expand and tighten provisions for such penalties (p. 10607).

The Agriculture Committee reported without amendment H. R. 4054, to provide for loans for development of central market facilities to handle perishable agricultural commodities (H. Rept. 1602)(p. 10677).

50. FARM LOANS. Passed without amendment S. 1758, to amend the Bankhead-Jones Farm Tenant Act relating to the insurance of farm real estate mortgages so the mortgages can be made directly to the Government instead of to the banks (pp. 10593-4). This bill will now be sent to the President.

Passed as reported S. 1621, to authorize adjustment by the Secretary of Agriculture of certain obligations of settlers on projects developed under or subject to the Wheeler-Case Act of 1939 (p. 10655).

51. RESEARCH. Passed as reported S. 1759, to consolidate authorization legislation regarding Federal aid to State agricultural experiment stations (pp. 10594-6).

52. COMMODITY EXCHANGES. Passed without amendment S. 1051, to amend the Commodity Exchange Act so as to authorize increases in fees and charges for registrations and renewals and for copies of registration certificates (p. 10601). This bill will now be sent to the President.

53. TRADE DEVELOPMENT. Passed without amendment S. 2253, to reemphasize trade development as the primary purpose of title I of Public Law 480, 83d Congress; to increase the funds available under that title from \$700 million to \$1.5 billion; and to authorize the Secretary of Agriculture to determine the nations with whom agreements will be negotiated, and the quantities and commodities involved (pp. 10601-2). This bill will now be sent to the President.

54. EXTENSION WORK. Passed as reported S. 2098, to authorize special appropriations for extension work among low-income farmers (pp. 10612-13).

55. DEFENSE PRODUCTION. Passed with amendment S. 2391, to amend and extend the Defense Production Act. Several amendments, to prohibit without-compensation employees, were rejected. House and Senate conferees were appointed. (pp. 10620-30, 10774-5).

56. SUGAR. Passed, 194 to 44, with amendments H. R. 7030, to amend and extend the Sugar Act of 1948 (pp. 10630-51). Agreed, 123-37, to an amendment by Rep. Dixon to strike out Sec. 20 of the committee version, which provides that sugar shall be supported at 90% of parity through loans, purchases, or other operations (pp. 10645-51). Agreed to an amendment by Rep. Laird to strike out provisions directed at Peru and the Philippines (pp. 10644-5).

57. SUPPLEMENTAL APPROPRIATION BILL, 1956. Both Houses agreed to the conference report on this bill, H. R. 7278, and acted upon amendments in disagreement (pp. 10554-9, 10733-5). This bill will now be sent to the President. A statement on the USDA items is attached to this Digest.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MILLER of Nebraska. Reserving the right to object, Mr. Speaker, it is my understanding that the Senate bill is a different bill from the one we had in the House. Perhaps the gentleman from Florida [Mr. HALEY] or the gentleman from California [Mr. ENGLE] might clarify that. I do not have the Senate bill before me. I do not want to object to the consideration of this bill, but I wonder if it may not go to the bottom of the calendar so we may have an opportunity to see this Senate bill.

Mr. EDMONDSON. If the gentleman will yield, the Senate bill is identical with the House bill reported out of the committee. There were some amendments adopted in committee which made the House bill identical with the Senate bill. They are identical word for word at this time.

Mr. MILLER of Nebraska. In that case, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subject to the provisions of section 2 of this Act, the period of restrictions against alienation, lease, mortgage, or other encumbrance of lands belonging to Indians of the Five Civilized Tribes in Oklahoma of one-half degree or more Indian blood, which period was extended to April 26, 1956, by the act of May 10, 1928 (45 Stat. 495), is hereby extended for the lives of the Indians who own such lands subject to such restrictions on the date of this act.

SEC. 2. (a) Any Indian of the Five Civilized Tribes may apply to the Secretary of the Interior for an order removing restrictions. Within 90 days from the date of the application, the Secretary shall either issue the order or disapprove the application. The order shall be issued if in the judgment of the Secretary the applicant has sufficient ability, knowledge, experience, and judgment to enable him, or her, to manage his, or her, business affairs, including the administration, use, investment, and disposition of any property turned over to such person and the income or proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him, or her, from losing such property or the benefits thereof.

(b) The Secretary of the Interior is authorized and directed to issue, without application, to any Indian of the Five Civilized Tribes, who in the judgment of the Secretary is able to manage his, or her, own affairs, in accordance with the standard specified in subsection (a) of this section, an order removing restrictions that will become effective 6 months after notice of the order is given to such Indian, unless it is set aside by a county court in accordance with proceedings initiated prior to such time pursuant to subsection (c) of this section. The timely initiation of such proceedings shall stay the effective date of an order until the proceedings are concluded. When the Secretary issues an order pursuant to this subsection, he shall notify the board of county commissioners for the county in which the Indian resides.

(c) If the Secretary of the Interior disapproves, or fails either to approve or disapprove, an application within the 90-day period prescribed in subsection (a) of this section, the Indian affected may apply to the county court for the county in which

he, or she, resides for an order removing restrictions. If the Secretary issues an order removing restrictions without application therefor in accordance with the provisions of subsection (b) of this section, either the Indian affected or the board of county commissioners may apply to the county court for the county in which the Indian resides for an order setting aside such order. The court shall set a hearing date not less than 30 days from the day it receives the application, and, under rules adopted by the court, notify the board of county commissioners, the welfare departments of the State and county governments, the local representative of the Commissioner of Indian Affairs, and any other persons the court considers appropriate. At the hearing the court shall examine the Indian and may require the persons who appear before the court to give testimony in the matter of the ability of the Indian to manage his, or her, own affairs. The Secretary of the Interior, and the attorney for the county in which such court is located, shall be given an opportunity to appear at such hearings and to participate in the examination of the Indian and other witness. The evidence taken at the hearing shall be transcribed and filed of record in the case. In determining capability, the court shall apply the standard specified in subsection (a) of this section with respect to determinations by the Secretary. If the court finds that the Indian is able to manage his, or her, own affairs, it shall issue an order removing restrictions or deny the application for an order to set aside an order of the Secretary issued without application therefor, as the case may be. If the court does not find that the Indian is able to manage his, or her, own affairs, it shall deny the application for an order removing restrictions, or set aside an order of the Secretary issued without application therefor, as the case may be. The court shall furnish to the Secretary and to the applicant one certified copy of any final order issued by it. Any final order of the court shall be subject to appeal by the applicant, by the Secretary, or by the board of county commissioners in accordance with the probate laws of the State of Oklahoma, except that no appeal bond shall be required in an appeal by the Secretary.

(d) When an order removing restrictions becomes effective, the Secretary shall cause to be turned over to the applicant full ownership and control of any money and property that is held in trust for him or that is held subject to a restriction against alienation imposed by the United States, issuing, in the case of land, such title document as may be appropriate: *Provided*, That the Secretary may make such provisions as he deems necessary to insure payment of money loaned to any such Indian by the Federal Government or by an Indian tribe: *Provided further*, That nothing herein contained shall abrogate the interest of any lessee or permittee in any lease, contract, or permit that is outstanding when an order removing restrictions becomes effective.

SEC. 3. Section 23 of the act of April 26, 1906 (34 Stat. 137), as amended by section 8 of the act of May 27, 1908 (35 Stat. 312), which expires on April 26, 1956, is continued in force with respect to the restricted properties of Indians of the Five Civilized Tribes as long as such properties remain restricted.

SEC. 4. Except as provided in section 2 of this act, nothing in this act shall be construed to repeal or to limit the application of the act of August 4, 1947 (61 Stat. 731), the provisions of which shall continue in effect until otherwise provided by Congress.

SEC. 5. Any existing exemption from taxation that constitutes a vested property right shall continue in force and effect until it terminates by virtue of its own limitations.

The bill was ordered to be read a third time, was read the third time, and passed,

and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7218) was laid on the table.

AMENDING THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

The Clerk called the bill (S. 1167) to amend the Soil Conservation and Domestic Allotment Act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. H. CARL ANDERSEN. Mr. Speaker, reserving the right to object, may we have an explanation of this bill?

Mr. COOLEY. Mr. Speaker, the bill provides soil conservation payments to persons who in order to benefit their own lands carry out conservation practices on federally owned lands. Under the law now, there is some question as to the right of one engaged in making these conservation improvements on federally owned land to participate in this program.

Mr. H. CARL ANDERSEN. Mr. Speaker, I withdraw my reservation of objection.

Mr. MILLER of Nebraska. Mr. Speaker, does that also apply to military reservations where they may be farming and where soil conservation practices are applied to those areas?

Mr. COOLEY. I think it applies to all federally owned lands on which soil conservation practices are carried out.

Mr. MILLER of Nebraska. I thank the gentleman.

Mr. HOPE. With reference to the inquiry of the gentleman from Nebraska, there is existing law which applies to federally owned property. This applies to noncrop land so that the question which the gentleman asks has already been taken care of by existing legislation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That subsection (e) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590h (e)), is amended by adding at the end thereof the following new sentence: "Persons who carry out conservation practices on federally owned noncropland which directly conserve or benefit nearby or adjoining privately owned lands of such persons and who maintain and use such Federal land under agreement with the Federal agency having jurisdiction therof and who comply with the terms and conditions of the agricultural conservation program formulated pursuant to sections 7 to 17 of this act, as amended, shall be entitled to apply for and receive payments under such program to the same extent as other producers."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ORANGEBURG COUNTY, S. C.

The Clerk called the resolution (H. J. Res. 112) to release reversionary right to improvements on a 3-acre tract in Orangeburg County, S. C.

There being no objection, the Clerk read the resolution, as follows:

Resolved, etc., That upon the written consent of the directors of the South Carolina Rural Rehabilitation Corporation, the United States of America, acting through the Administrator of the Farmers' Home Administration, is hereby authorized and directed to convey by quitclaim deed to the board of trustees of Orangeburg School District No. 5 (successor in interest to the board of trustees of Jamison School District No. 28) in Orangeburg County, S. C., and unto the successors and assigns of said board of trustees, all of the reversionary and other right, title, or interest retained in the buildings, improvements, and other equipment by the quitclaim deed dated October 31, 1946, and recorded in book No. 141, page 44, in the office of the clerk of court for Orangeburg County, S. C., under which deed the United States of America conveyed said buildings, improvements, and other equipment to the said board of trustees of Jamison School District No. 28 for educational and other related community purposes.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DELAWARE-MARYLAND BOUNDARY

The Clerk called the bill (H. R. 4093) to authorize the Secretary of Commerce, acting through the Coast and Geodetic Survey, to assist the States of Maryland and Delaware to reestablish their common boundary.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill, S. 987.

Mr. CUNNINGHAM. Mr. Speaker, I did not understand what the gentleman's request was going to be. Has the Speaker gotten an answer to the inquiry as to whether or not there was objection to the bill?

Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. CUNNINGHAM. I might state, Mr. Speaker, so that you will understand why I make this request, the Department of Commerce opposes the enactment of the bill stating that the proposed survey is a matter of primary concern to the two States involved and that it is not a matter of concern for the United States Government, and that the cost of this survey should not be borne by the United States, but should be borne by the States themselves.

Mr. WILLIS. Mr. Speaker, I am advised that there is no proposal to have the Government bear the cost of the survey. Of course, I have no personal interest in this matter and the bill does not affect my State.

Mr. CUNNINGHAM. The report states that it will cost the Government about \$68,000.

Mr. WILLIS. That is the cost for the survey, which is mentioned in the report, but the States are to pay for it—that is my information.

Mr. CUNNINGHAM. That is not according to the information I have, and not according to the report from the Department of Commerce.

Mr. HOFFMAN of Michigan. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HOFFMAN] objects to the present consideration of the bill.

DREDGING PROJECT AT LOS ANGELES AND LONG BEACH HARBORS, CALIF.

The Clerk called the bill (H. R. 4734) to amend the provisions of the River and Harbor Act of 1954 which authorize the Secretary of the Army to reimburse local interests for work done on a dredging project at Los Angeles and Long Beach Harbors, Calif., during a period ending July 1, 1953, by extending that period to November 7, 1953.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. THOMPSON of New Jersey. Mr. Speaker, reserving the right to object. Is it my understanding that under this legislation local interests who have contributed to the dredging of a channel are now to be reimbursed?

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield.

Mr. McDONOUGH. Mr. Speaker, I introduced a similar bill, as did Mr. KING. This is just to provide the extension of the date by which time reimbursement can be made for work done by the city of Los Angeles in Los Angeles harbor. The money has already been spent.

Mr. THOMPSON of New Jersey. In other words, the city has spent the money and this will permit them to be reimbursed?

Mr. McDONOUGH. The original authorization bill, which provided for the spending of the money, and for the city to proceed, provided that they could not be reimbursed for any money spent after July 1, 1953. It so happened that the contract could not be completed by that time and it was extended over to a further date, and this will extend the authorization for reimbursement to November 7, 1953.

Mr. THOMPSON of New Jersey. And the money will go back to the city?

Mr. McDONOUGH. That is correct.

Mr. THOMPSON of New Jersey. Mr. Speaker, this is a very good bill. I disapprove of any local interests contributing to any dredging projects. This disapproval applies particularly to the deeper Delaware project, but also to all others. It is the responsibility of the Federal Government to maintain all navigable waters.

Mr. McDONOUGH. In other words, the gentleman does not object to this bill?

Mr. THOMPSON of New Jersey. I have no objection and I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the paragraph of section 101 of the River and Harbor Act of 1954 which begins "Los Angeles and Long Beach Harbors, Calif.:" is amended by striking out "July 1, 1953" and inserting in lieu thereof "November 7, 1953."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENTS TO PERISHABLE AGRICULTURAL COMMODITIES ACT

The Clerk called the bill (H. R. 5337) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 (5) of the Perishable Agricultural Commodities Act, 1930 (7 U. S. C., sec. 499b (5)), is amended to read as follows:

"(5) For any commission merchant, dealer, or broker to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or State, country, or region of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce;"

SEC. 2. Section 4 (d) of such act (7 U. S. C., sec. 499b (d)) is amended to read as follows:

"(d) The Secretary may withhold the issuance of a license to an applicant, for a period not to exceed 30 days pending an investigation, for the purpose of determining (a) whether the applicant is unfit to engage in the business of a commission merchant, dealer, or broker because the applicant, or in case the applicant is a partnership, any general partner, or in case the applicant is a corporation, any officer or holder of more than 10 percent of the stock, prior to the date of the filing of the application engaged in any practice of the character prohibited by this act or was convicted of a felony in any State or Federal court, or (b) whether the application contains any materially false or misleading statement or involves any misrepresentation, concealment, or withholding of facts respecting any violation of the act by any officer, agent, or employee of the applicant. If after investigation the Secretary believes that the applicant should be refused a license, the applicant shall be given an opportunity for hearing within 60 days from the date of the application to show cause why the license should not be refused. If after the hearing the Secretary finds that the applicant is unfit to engage in the business of a commission merchant, dealer, or broker because the applicant, or in case the applicant is a partnership, any general partner, or in case the applicant is a corporation, any officer or holder of more than 10 percent of the stock, prior to the date of the filing of the application engaged in any practice of the character prohibited by this act or was convicted of a felony in any State or Federal court, or because the application contains a materially false or misleading statement made by the applicant or by its representative on its behalf, or involves a misrepresentation, concealment, or withholding of facts respecting any violation of the act by any officer, agent, or employee, the Secretary shall refuse to issue a license to the applicant."

SEC. 3. Section 4 of such act is further amended by adding at the end thereof the following subsection:

Public Law 264 - 84th Congress
Chapter 624 - 1st Session
S. 1167

AN ACT

All 69 Stat. 545.

To amend the Soil Conservation and Domestic Allotment Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590h (e)), is amended by adding at the end thereof the following new sentence: "Persons who carry out conservation practices on federally owned noncropland which directly conserve or benefit nearby or adjoining privately owned lands of such persons and who maintain and use such Federal land under agreement with the Federal agency having jurisdiction thereof and who comply with the terms and conditions of the agricultural conservation program formulated pursuant to sections 7 to 17 of this Act, as amended, shall be entitled to apply for and receive payments under such program to the same extent as other producers."

Soil conser-
vation on
Federal lands.
52 Stat. 34.

Approved August 9, 1955.

